

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 8th DAY OF JULY, 2002 AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:

Larry N. Rush	-Vice Chairman
Gary D. Creed	-Supervisors
John A. Muffo	
James D. Politis	
C.P. Shorter	
Jeffrey D. Johnson	-County Administrator
Martin M. McMahon	-County Attorney
T.C. Powers, Jr.	-Planning Director
Robert C. Parker	-Public Information Officer
Angie M. Hill	-Financial Management Services Director
Vickie L. Swinney	-Secretary

ABSENT:	Mary W. Biggs	-Chair
	Annette S. Perkins	-Supervisor

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Vice-Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARING

Rezoning Request

William & James Deemer (Agent: Coal Bank Ridge, LLC) requests to rezone approximately 183 acres from Agriculture (A-1) to Rural Residential (RR), with possible proffered conditions, to allow the subdivision of property. The property is located on the southern side of Coal Bank Hollow Road, just north of the Town of Blacksburg and is identified as Tax Parcel No. 28-A-40,41 (Acct ID # 017656, 017658) in the Mount Tabor Magisterial District. The property currently lies in an area designated as

Conservation/Rural in the Comprehensive Plan.

Charles Wall addressed the Board with his concerns about additional traffic at the intersection of Coal Bank Hollow Road and US 460. Mr. Wall stated he is an experienced truck driver and this is one of the worst intersections he has seen. There is a bend in the road on US 460 right before you get to the intersection which is dangerous. Mr. Wall lives in the Preston Forest Subdivision which accounts for 500 vehicles per day using this intersection, not counting the residents who live along Coal Bank Hollow Road. The additional traffic from the proposed development will only make the intersection more dangerous.

James Berger stated for the record that he is not opposed to a positive vote for the proposed rezoning. The developers have diligently worked with him and other residents to address their concerns with the proposed subdivision. He thanked the developers for listening to their concerns.

Bill Ellenbogen, representing Coal Bank Ridge, LLC, addressed the Board on the proposed rezoning. He summarized the primary changes to the development plan. They have reached an agreement with the Town of Blacksburg to provide public water to the proposed subdivision. Mr. Ellenbogen also emphasized their efforts to address the concerns of the residents in the area. He asked the Board to consider granting their rezoning request.

PUBLIC ADDRESS SESSION

Jeff Stewart addressed the Board with road concerns in Hawks Flight Subdivision. This road is a cul-de-sac with eleven lots, which is stated on the final plat. The developer, Alan Gillis, has purchased 50 acres adjoining this parcel and has constructed an access road at the end of the cul-de-sac to this property, which he is proposing to subdivide. According to Section 15.2-2272 of the Code of Virginia, any changes to the final plat requires notification to the adjoining land owners and approval from the agent. To date, he and other property owners in Hawks Flight Subdivision have not been notified. Mr. Stewart stated for the record that he is opposed to construction of the new road through the cul-de-sac in Hawks Flight Subdivision.

Andy Schack addressed the Board with road concerns in Hawks Flight Subdivision. Mr. Schack stated he addressed the Board before about the road not being completed by the developer, Alan Gillis, and the road is still not completed. He also stated he was opposed to the construction of an access road through the cul-de-sac in Hawks Flight Subdivision. As the previous speaker stated Mr. Gillis has purchased an additional 50 acres adjoining Hawks Flight Subdivision, which he is proposing to subdivide. Mr. Schack stated that according to the Code that no owner shall make any changes to the final plat without notifying property owners and getting approval from the agent, which is the Board of Supervisors. Mr. Schack also noted that he is not aware of the developer, Mr. Allan Gillis,

acquiring the proper erosion and sediment permits to construct the access road.

Supervisor Rush informed Mr. Stewart and Mr. Schack that the County Attorney will investigate their concerns.

Thayer Chaney, agent for Montgomery Primitive Baptist Church, stated she was available to answer any questions concerning their request to rezone 0.964 acres from A-1 to GB to allow a retail appliance store at 754 Triangle Street. She apologized for not being able to attend the public hearing that was held on June 24, 2002.

ADD TO THE AGENDA - ADDENDUM

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously, the following addendum dated July 8, 2002 was added to the agenda under New Business:

1. Resolution Approving Montgomery County as Fiscal Agent for Joint Virginia Juvenile Community Crime Control Plan with Floyd County

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
James D. Politis		Annette S. Perkins
Gary D. Creed		
John A. Muffo		
Larry N. Rush		

CONSENT AGENDA

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated July 8, 2002 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Mary W. Biggs

Gary D. Creed
James D. Politis
C.P. Shorter
Larry N. Rush

Annette S. Perkins

Virginia Juvenile Community Crime Control Act

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

520	Human Services	\$42,209
521	Wilson Avenue	<u>\$26,297</u>
	Total	\$68,506

The source of funds for the foregoing appropriation is as follows:

Revenue Account

424401	VJCCCA	\$59,302
416156	Floyd Contribution	<u>\$ 9,204</u>
		\$68,506

Said resolution appropriates Montgomery County's allocations received from the Juvenile Community Crime Control Act and Floyd County's Juvenile Community Crime Control Act funds.

Reappropriate Encumbrances - General Fund

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

100	Board of Supervisors	\$1,386
110	County Administration	\$5,173
130	Financial and Management Services	\$6,454
140	Information Management Services	\$49,068
153	Reassessment	\$167,234
180	Internal Services	\$15,637
250	Circuit Court Clerk	\$10,000

400	General Services	\$69,537
700	Parks and Recreation	\$1,272
710	Library	\$88,960
720	Floyd Library	\$47,454
800	Planning and Inspections	\$83,382
810	Economic Development	<u>\$5,172</u>
	Total	\$550,729

The source of funds for the foregoing appropriation is as follows:

Revenue Account

451205 Designated General Fund Balance \$550,729

Said resolution reappropriates monies supporting the balances of outstanding purchase orders.

Reappropriation of Grants

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

321	Offender Financed Drug Program	\$ 1,328
	Federal Asset Forfeiture	\$17,159
	Selective Traffic Enforcement	\$10,985
	DARE Program	\$ 3,183
	Community Policing	\$ 5,000
	Wireless 911	\$22,382
	Project Lifesaver	\$ 7,194
	V-Stop Grant	<u>\$28,873</u>
	Total	\$ 96,104

Sources of funds for the foregoing appropriation are as follows:

Revenue:

23212-424401	Selective Traffic Enforcement	\$10,985
23216-424401	Community Policing	\$ 5,000
23225-424401	Wireless 911	\$ 22,382
23219-424401	V-Stop Grant	\$ 28,873
02-451205	Designated Fund Balance	<u>\$ 28,864</u>
	Total	\$ 96,104

Said resolution appropriates those grants for which balances are known. Reappropriated balances are needed to cover the payment of invoices received and the refund of unexpended monies.

Reappropriation of Capital Improvements Program (CIP) Projects

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

110	New Government Center	\$2,440,895
	Courthouse Renovation	\$ 212,590
140	Integrated Management Information System	\$ 659,535
170	Registrar	\$ 9,340
330	Christiansburg Fire Department-Equipment	\$ 144,912
	Elliston Fire Department-Equipment	\$ 30,000
	Riner Fire Department-Equipment	\$ 16,515
	Christiansburg Rescue – Equipment	\$ 24,375
	Long Shop/McCoy Rescue-Equipment	\$ 2,500
	Shawsville Rescue Squad-Equipment	\$ 96,175
	Elliston Fire Department-Building	\$ 850,000
	Long Shop/McCoy Fire/Rescue-Building	\$ 753,396
400	Animal Control	\$ 25,000
	Elliston Bridge	\$ 22,036
	Consolidated Sites	\$ 201,289
660	School Projects	\$ 5,388
700	Elliston/Lafayette Recreational Park	\$ 86,724
	Plum Creek/Hornsby Recreational Park	\$ 104,672
	Coal Miner's Heritage Park	\$ 35,321
710	Alleghany Library	\$ 21,754
800	Digital Photos	\$ 105,600
810	Elliston/Lafayette Industrial Park	\$ 44,116
	Falling Branch Industrial Park	\$ 194,281
920	Debt Service Reserve	\$1,118,976
960	Capital Projects Reserve Fund	<u>\$ 352,759</u>
	Total	\$7,558,149

The source of funds for the foregoing appropriation is as follows:

Revenue Accounts:

451205	Designated Fund Balance	\$7,558,149
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Said resolution appropriates the available account balances for CIP projects. These balances exclude encumbrances which will be reappropriated through a second resolution to carry forward funds which support open purchase orders.

County Capital Projects Fund - Reappropriation of Encumbrances

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

110	New Government Center	\$58,199
	Courthouse Renovation	\$573,106
140	Integrated Management Information System	\$226,132
330	Riner Fire Department	\$333,578
	Christiansburg Rescue Squad	\$33,726
400	Consolidated Sites	\$28,653
700	Elliston/Lafayette Recreational Park	\$3,995
710	Alleghany Library	\$12,090
810	Falling Branch Industrial Park	<u>\$52,732</u>
	Total	\$1,322,211

The source of funds for the foregoing appropriation is as follows:

Revenue Account

451205	Designated General Fund Balance	\$1,322,211
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Said resolution reappropriates monies supporting the balances of outstanding purchase orders.

Capital Projects Fund - Schools: Reappropriation of Prior Year Balances

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the School Capital Projects Fund was granted an appropriation in addition to the annual appropriation for fiscal year ending June 30, 2003 for the function and in the amount as follow:

600 Capital Projects Fund - Schools \$27,573,644

The source of funds for the foregoing appropriation is as follows:

Revenue Account

451204 Capital Projects Fund \$27,573,644

Said resolution renames the School Construction Fund and appropriates the available account balances for CIP projects to be transferred to the Capital Projects Fund.

Acknowledge Speed Study Report - High Top Road (SR 808)

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors received a petition from concerned citizens requesting a speed study on High Top Road (SR 808); and

WHEREAS, By resolution dated December 17, 2001 the Board referred said request to the Virginia Department of Transportation for a traffic study on High Top Road (SR 808) to determine the feasibility of reducing the speed limit; and

WHEREAS, The Resident Engineer has responded that a speed study has been completed by VDOT's Traffic Engineering Division; and

WHEREAS, As a result of the speed study, the Department of Transportation does not recommend reducing the speed limit at this time for the following reasons:

1. Reasonable good compliance with the current speed limit.
2. Minimum number of accidents during the most recent 3 year period; and

WHEREAS, The Virginia Department of Transportation intends to do maintenance work on the existing signs.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia acknowledges receipt of the Resident Engineer's report that no speed limit reduction on High Top Road (SR 808) will be undertaken at this time and that maintenance work on the existing signs will take place, and extends its appreciation to the Virginia Department of Transportation for the report.

OLD BUSINESS

Rezoning Request - William & James Deemer (Agent: Coal Bank Ridge, LLC)

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

ORDINANCE 2002 -12
An Ordinance Amending the Zoning
Classification of approximately 183 acres from
Agriculture (A-1) to Rural Residential (RR)

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of approximately 183 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to Rural Residential (RR) subject to the following proffered conditions:

1. The maximum total of dwelling units does not exceed 50 on Tax Parcel No. 028-A-40 and 41 with lot size equal to or greater than 1.5 acres.
2. The minimum amount of open space on Tax Parcel No. 028-A-40 and 41 must be 40 acres.
3. All streets will be public and constructed to VDoT standards and specifications.
4. An extensive network of walking trails will be developed on the property. The exact layout of the trail system will be coordinated with Montgomery County as the layout of the lot is finalized.
5. A home owners' association will be incorporated to enforce covenantas as proposed in the attached "Covenants of Coal Bank Ridge" (in the Coal Bank Ridge Subdivision Report), which will not allow the cutting of trees greater than 8 inches in diameter except within 75 feet of the home, shall not allow further subdivision of lots, shall not allow establishment of multi-family dwellings, shall guarantee maintenance of alternative septic systems, and shall preserve the high quality of the development.
6. There shall be a 25 foot open space buffer around the outside of the property where no trees will be cut, except where the road bisects this buffer.
7. There shall be additional areas on the interior of the development where no trees will be cut, which will be identified during the subdivision platting phase.

8. There shall be a maximum of 8 lots on the 52 acres that lies within the Town of Blacksburg.
9. The homes on the 52 acres within the Town of Blacksburg shall be limited to one-story with a basement.
10. Before the final approval of the subdivision plat by Montgomery County, Coal Bank Ridge, LLC will submit an application to the Town of Blacksburg for a conditional zoning on the Town portion from RR1 to RR1 conditional. The two proffers stated above, to limit the density to 8 dwelling units and homes of one-story with a basement, would be the conditions attached to the conditional zoning request.
11. There shall not be a connection between Bishop Road and the roads in the subdivision to limit the impact on Bishop Road.
12. A connection exclusively for the use of emergency vehicles may be created between the Town portion of the subdivision and the County portion of the subdivision. This emergency connection will have a physical barrier, such as a bollard or gate, to its regular use by the public that can be removed in emergency situations.
13. A public water system will be provided with connecting to the public water system of the Town of Blacksburg.
14. The developer/applicant shall be obligated to the Montgomery County Public Service Authority (PSA) for the sum of Two Thousand Dollars (\$2,000) for each residential lot located in the unincorporated portion of the development. One Thousand Two Hundred Twenty-Eight Dollars and Twenty-Five Cents (\$1,228.25) shall be paid directly to the PSA at the time of closing for each lot sale for the developer to the lot purchaser in return for the PSA's and the County's agreement to allow the Town of Blacksburg to provide public water service within the PSA's service area. The developer/applicant shall be allowed to use the balance of the Two Thousand Dollars, the sum of Seven Hundred Seventy-One Dollars and Seventy-Five Cents (\$771.75), to pay the Town of Blacksburg for the Town's facility fee. This sum is to be paid by the lot purchaser to the Town at the time the building permit is issued for the construction of the residence on the lot.
15. In order to allow a period of comment for the adjacent property owners concerned about Coal Bank Ridge, the developer will submit the preliminary site plan to Dr. James Burger upon its completion. A two-week period will be allowed for Dr. Burger to distribute the site plan and for those neighbors to comment. The developer will attempt to address those concerns that do not have a significant negative effect on the financial feasibility of the development.

16. The developer will make every effort to grant an extension of the twenty-five foot open space buffer in critical areas where the adjacent property owners might express a legitimate concern about the impact of the development on their property. The discussion of an increase in the size of the buffer will occur during the two-week comment period mentioned in proffer number 14.
17. In places where residential lots are located with a common boundary to an adjacent property owner's land, the developer will bear one-half of the cost of the construction of a fence, if the adjacent property owner requests that such a fence be constructed. The style of the fence to be constructed will be determined at a later time.

This action was commenced upon the application of William & James Deemer (Agent: Coal Bank Ridge LLC).

The property is located on the southern side of Coal Bank Hollow Road, just north of the Town of Blacksburg and is identified as Tax Parcel No. 28-A-40,41 (Acct ID # 017656, 017658) in the Mount Tabor Magisterial District. The property currently lies in an area designated as Conservation/Rural in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Mary W. Biggs
James D. Politis		Annette S. Perkins
C.P. Shorter		
John A. Muffo		
Larry N. Rush		

Special Use Permit - L. Glenn & Dale J. Kraige (Agent: Kraft Builders)

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that L. Glenn & Dale J. Kraige's request for a Special Use Permit in Agriculture (A-1) on a 7.57 acre tract to allow a private garage in excess of 850 square feet and sixteen (16) feet in height is hereby approved subject to the following conditions:

1. The proposed structure will not exceed 1320 sq ft in area.

2. The height of the structure at the front will not exceed 18 ft. in height at the peak, excluding cupola, nor exceed 28 feet at the rear, excluding cupola.
3. The structure will be architecturally compatible with the surrounding neighborhood.

The property is located at 1654 Smithfield Drive and is identified as Tax Parcel No. 16-1-19 (Account ID #006261) in the Mt. Tabor Magisterial District. The property lies in an area designated as Rural Expansion in the Comprehensive Plan.

The vote on the foregoing resolution is as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Mary W. Biggs
C.P. Shorter		Annette S. Perkins
John A. Muffo		
Gary D. Creed		
Larry N. Rush		

Special Use Permit - Quinter A. & Vicki W. Cook

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Quinter & Vicki Cook's request for a Special Use Permit in Agriculture (A-1) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height is hereby approved subject to the following conditions:

1. The proposed addition will not exceed 560 sq. ft.; the overall size of the structure will not exceed 1,135 sq. ft. and the neither the overall structure, nor the addition, will exceed 16 ft. in height.
2. The structure will be architecturally compatible with the existing structure.

The property is located at 2898 Old Fort Road and is identified as Tax Parcel No. 52-7-C (Account ID #003949) in the Prices Fork Magisterial District. The property lies in an area designated as Rural Expansion Area in the Comprehensive Plan.

The vote on the foregoing resolution is as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Mary W. Biggs
Gary D. Creed		Annette S. Perkins
James D. Politis		
C.P. Shorter		
Larry N. Rush		

Special Use Permit - Mildred Barnett

On a motion by Gary D. Creed, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Mildred Barnett's request for a Special Use Permit in Agriculture (A-1) on a 1.435 acre tract to allow a flea market is hereby approved subject to the following conditions:

1. Only domestic objects excluding large appliances and furniture will be offered for sale.
2. No merchandise is to be displayed outside the new building.
3. No petroleum fired vehicles and/or equipment will be available for sale inside the new structure.
4. Hours of operation will be open Fridays, Saturdays and occasional holidays from 8am-4pm.

Property is located at 353 Carolina Road in the Shawsville Magisterial District. The property lies in an area designated Conservation Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Mary W. Biggs

C.P. Shorter
James D. Politis
Gary D. Creed
Larry N. Rush

Annette S. Perkins

Rezoning Request - Montgomery Primitive Baptist Church (Agent: Thayer Chaney)

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

**ORDINANCE 2002 -13
An Ordinance Amending the Zoning
Classification of 0.964 acres from
Agriculture (A-1) to General Business (GB)**

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tracts or parcels of land consisting of 0.964 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to General Business (GB) subject to the following proffered conditions:

1. All junk appliances and garbage shall be completely obscured from neighbors' view;
2. The hours of operation shall be limited to 9am to 6pm Monday through Friday and 9am to 4pm Saturday;
3. The owner shall preserve and maintain existing vegetation where possible on Tax Parcel No. 67A-A-1.

This action was commenced upon the application of Montgomery Primitive Baptist Church (Agent: Thayer Chaney).

The property is located at 754 Triangle Street and is identified as Tax Parcel No. 67A-A-1 (Acct ID #'s 070556) in the Prices Fork Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance is as follows:

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<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Mary W. Biggs
John A. Muffo		Annette S. Perkins
Gary D. Creed		
C.P. Shorter		
Larry N. Rush		

NEW BUSINESS

Resolution Requesting the Westbound Route 114 Bridge Be Replaced

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

WHEREAS, Commuting from work, shopping, and recreation is a way of life in the New River Valley, with some 40 percent of employed persons working in localities other than those in which they reside and with the Rt. 460-Virginia Route 114 intersection area serving as the region's center for retail commerce; and

WHEREAS, Route 114 serves as a major transportation artery for the entire region; and

WHEREAS, Route 114 is the only primary highway route serving the Radford Army Ammunition Plant; and

WHEREAS, In June 2002, the westbound bridge was damaged to the point it was necessary for the Virginia Department of Transportation (VDOT) to close the bridge and move westbound traffic to the eastbound bridge, such that the eastbound bridge now carries all Route 114 traffic; and

WHEREAS, Replacement of the westbound Route 114 bridges (i.e., across New River and nearby rail line) was removed from the Six Year Transportation Program.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby requests the Commonwealth Transportation Board to return the bridge to the Six Year Transportation Program and that VDOT undertake replacement of the bridge as an emergency action to return Route 114 to its full capacity.

BE IT FURTHER RESOLVED, That the Board of Supervisors encourages localities in the New River Valley Planning District and members of the region's General Assembly delegation to request the Commonwealth Transportation Board and VDOT to take those actions which are necessary to replace the westbound Route 114 bridge in a timely fashion.

The vote on the foregoing resolution is as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
John A. Muffo		Annette S. Perkins
Gary D. Creed		
James D. Politis		
Larry N. Rush		

Fire and Hazard Reduction Plan - Resource Conservation and Development (RC&D)

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

WHEREAS, The Resource Conservation and Development Program is a service of the United State Department of Agriculture (USDA); and

WHEREAS, The purpose of the Resource Conservation and Development (RC&D) program is to accelerate the conservation, development and utilization of natural resources, improve the general level of economic activity, and to enhance the environment and standard of living in designated RC&D areas; and

WHEREAS, The New River/Highlands Resource Conservation and Development Council has invited Montgomery County to participate in a “Fire and Hazard Reduction Plan” which will outline the potential hazards involved in woodlands areas, conduct a water source inventory, and provide the stepping stone for additional grants to implement the plan; and

WHEREAS, The plan will detail a fire hazard reduction plan for the counties of Montgomery, Caroline and Grayson and will be used as a model for other counties in Virginia.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia expresses their intent to participate with the New River/Highlands Resource Conservation & Development Area in a “Fire and Hazard Reduction Plan”.

BE IT FURTHER RESOLVED, Montgomery County agrees to assist with appropriate and reasonable staff resources as well as access to volunteer fire and emergency personnel as in-kind services to meet the required 20% local match for grant funding.

The vote on the foregoing resolution is as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs

John A. Muffo
Gary D. Creed
James D. Politis
Larry N. Rush

Annette S. Perkins

Fairview District Home: Transfer from General Contingencies

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer is hereby authorized, as follows:

FROM:

950 General Contingencies (\$3,740)

TO:

910 Fairview District Home \$3,740

Said resolution transfers funds from General Contingencies to the Fairview District Home for repairs and equipment.

The vote on the foregoing resolution is as follows:

AYE

Gary D. Creed
James D. Politis
John A. Muffo
C.P. Shorter
Larry N. Rush

NAY

None

ABSENT

Mary W. Biggs
Annette S. Perkins

Compensation and Classification Plan - FY 2002-2003

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia, hereby approves and authorizes the FY02-03 Position Classification Plan.

The vote on the foregoing motion is as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Mary W. Biggs
John A. Muffo		Annette S. Perkins
Gary D. Creed		
C.P. Shorter		
Larry N. Rush		

Resolution Approving Montgomery County as Fiscal Agent For Joint Virginia Juvenile Community Crime Control Plan With Floyd County

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

WHEREAS, Due to a reduction in Virginia Juvenile Community Crime Control Act (VJCCCA) allocations for FY 2002-2003 funding, Floyd County and Montgomery County have agreed to a joint VJCCCA plan; and

WHEREAS, Floyd County and Montgomery County have previously agreed that the Montgomery County Office on Youth would administer the plan, manage the services and evaluate the outcomes; and

WHEREAS, Floyd County and Montgomery County agree that Montgomery County will be the fiscal agent of the VJCCCA funds.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby agrees to be the fiscal agent of the Virginia Juvenile Community Crime Control Act funds for the joint VJCCCA plan between Montgomery County and Floyd County.

The vote on the foregoing resolutuion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Mary W. Biggs
James D. Politis		Annette S. Perkins
John A. Muffo		
Gary D. Creed		
Larry N. Rush		

COUNTY ATTORNEY'S REPORT

No report.

COUNTY ADMINISTRATOR'S REPORT

Town of Christiansburg's Request to Place Temporary Office Units on County Property The County Administrator reported that the Town of Christiansburg has requested to place temporary mobile units on the old Angles Property, located on East Main Street across from the Town Municipal Building while the building is being renovated. The Town has estimated they will need to use the mobile units for approximately one year. After a brief discussion by the Board, Supervisor Creed made a motion to take action on the request.

Approval of Use of County Property - Town of Christiansburg for Temporary Office Units

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves the Town of Christiansburg's request to use county property located on East Main Street to set up mobile units for use as temporary offices during renovations to the Town Municipal Building

BE IF FURTHER RESOLVED, The County Administrator is authorized to negotiate an agreement with the Town of Christiansburg on behalf of the Board of Supervisors.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Mary W. Biggs
C.P. Shorter		Annette S. Perkins
James D. Politis		
Gary D. Creed		
Larry N. Rush		

BOARD MEMBERS' REPORTS

Supervisor Shorter requested staff look into reports of a business selling equipment on Flanagan Drive. The equipment can be seen from Interstate 81. He believes that the Board only approved a Special Use Permit for an equipment storage yard, not to sell equipment.

Prices Fork Grading - Supervisor Shorter asked the status of the grading at Prices Fork Elementary School. The County Administrator reported that the Purchasing Department has sent out invitation for bids on the project, once the bids are received and reviewed, a contract will be issued. There usually is a ten day turn around time after bids are received.

INTO CLOSED MEETING

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Blacksburg Shell Building
2. Personnel Issue

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Mary W. Biggs
James D. Politis		Annette S. Perkins
C.P. Shorter		
John A. Muffo		
Larry N. Rush		

OUT OF CLOSED MEETING

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

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BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Mary W. Biggs
James D. Politis		Annette S. Perkins
C.P. Shorter		
John A. Muffo		
Larry N. Rush		

CERTIFICATION OF CLOSED MEETING

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

C.P. Shorter
James D. Politis
Gary D. Creed
John A. Muffo
Larry N. Rush

NAYS

None

ABSENT DURING VOTE

Mary W. Biggs
Annette S. Perkins

ABSENT DURING MEETING

Mary W. Biggs
Annette S. Perkins

ADJOURNMENT

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously, the Board adjourned to Monday, July 22, 2002 at 7:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Mary W. Biggs
James D. Politis		Annette S. Perkins
C.P. Shorter		
John A. Muffo		
Larry N. Rush		

The meeting adjourned at 8:30 p.m.